

REMARKS

Upon entry of this paper, no claims have been amended, no claims have been canceled, and no claims have been added as new claims. Thus, claims 1-7 are presently pending in this application. No new matter has been added.

Drawing Objections

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they included the reference number “14” not included in the description. Applicant has provided a replacement sheet for FIG. 2, replacing reference number “14” with reference number “4” in accordance with FIG. 1 and with the specification as filed. Accordingly, Applicant respectfully submits that the present objection is overcome, and that the application drawings are now in condition for allowance.

Claim Rejections under 35 U.S.C. §102

Claims 1-7 were rejected under 35 U.S.C. §102 as being anticipated by US Patent No. 4,373,132 to Vartanian (“Vartanian”). This anticipatory rejection is respectfully traversed in view of the following comments.

Anticipation can only be established by a single prior art reference teaching each and every element of the claimed invention performing the identical function in the same way. Applicant respectfully submits that claimed aspects of the present invention are conspicuously absent from Vartanian and thus, there can be no anticipation. Specifically, there is no disclosure in Vartanian of a, “slide which is reciprocally movable so as to convey the material from the admission opening to the discharge opening, wherein the conveying channel is tubular and has a double-walled configuration including an internal tube and an external tube, the slide being designed as a sliding sleeve which is located between the internal tube and the external tube, and wherein the slide includes a closing sleeve to close or open the conveying channel and a conveying sleeve which is movable independently of the closing sleeve” *See* claim 1.

AMENDMENTS TO THE DRAWINGS

The attached replacement drawing sheet includes changes to FIG. 2. This sheet, which includes FIG. 2, replaces the original drawing sheet including FIG. 2. In FIG. 2, previously noted element number “14” has been replaced with element number “4” in accordance with FIG. 4 and the specification as filed. No new matter has been added.

Vartanian is merely directed to a heated nozzle for molding plastics. There is no discussion of a slide or other mechanism in the nozzle of Vartanian that is able to move material. Vartanian merely refers to the inventive nozzle as useful in an injection molding machine; and has no recognition of a device “for melting and conveying a material, comprising a conveying channel having an admission opening for the material and a discharge opening for at least partially molten material, one or more heating devices for heating one of the conveying channel and the material between the admission opening and the discharge opening, and a slide which is reciprocally movable . . .” *See* claim 1.

In addition to other claimed elements, there is no discussion whatsoever in Vartanian of a material conveying mechanism in the heated device. As such, Vartanian does not teach each and every element of the claimed invention performing the identical function in the same way, and cannot therefore anticipate the pending claimed invention.

In light of the above comments, applicant respectfully submits that the claims of the present invention are not anticipated by, and are therefore in condition for allowance over, the cited document. If the above rejection is maintained, or additional rejections are made, Applicant respectfully requests that such rejections be made with such specificity as to enable the Applicant to ascertain the position of the Examiner concerning the allowability of the pending application.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicant courteously solicits allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080 under Order No. HHI-040US. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account. A duplicate copy of this sheet is enclosed.

Dated: January 27, 2005

Respectfully submitted,



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